

21075. Adulteration and misbranding of butter. U. S. v. Washington Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29467. I. S. nos. 23281, 23314, 23505. Sample nos. 1826-A, 1827-A.)

This case was based on various shipments of butter, a portion of which was below the standard established by law, since it contained less than 80 percent by weight of milk fat; a portion was short weight, the packages containing less than the declared weight, 1 pound; and one shipment was low in milk fat, also short weight.

On April 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Creamery Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, in various consignments, on or about April 4, 8, 11, 18, and 19, 1932, from the State of Washington to the Territory of Alaska, of quantities of butter, a part of which was adulterated, a part of which was misbranded, and a part of which was adulterated and misbranded. The article was labeled in part: "Blue Ribbon Brand [or "Premier Brand"] Butter One Pound Distributed By Washington Creamery Co. Seattle, Washington."

It was alleged in the information that the butter in certain shipments was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

It was further alleged that the butter in the remaining shipments, also in one of the shipments which was low in milk fat, was misbranded in that the statement "One Pound", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages contained less than 1 pound. Misbranding of the said portions was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was incorrect.

On May 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21076. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 29479. Sample no. 11404-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 23, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Farmers Cooperative Creamery Co., a corporation, Marion, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 3, 1932, from the State of Michigan into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 13, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21077. Adulteration of apple butter. U. S. v. 95 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29766. Sample no. 26550-A.)

This case involved an interstate shipment of apple butter that was found to contain insects.

On January 21, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cases of apple butter at Cumberland, Md., alleging that the article had been shipped in interstate commerce, on or about September 13, 1932, by the National Fruit Product Co., from Winchester, Va., and charging adulteration in violation of the Food and Drugs